



subcombinations has utility other than in the disclosed combination. It is said that the burden is on the Examiner to provide such an example.

The Examiner has argued that because the magnetic thin film of Group I does not require a write line and bit line, it has separate utility.

However, the separate utility must be in other or different relations. Under M.P.E.P. § 808.02, where, as disclosed in the application, the several inventions claimed are related, then when such related inventions are not patentably distinct as claimed, restriction is never proper. Where such related inventions, as claimed, are shown to be distinct, the Examiner must show by a separate classification, a separate status in the art, or a different field of search, that restriction is warranted.

Here, the claims of Groups I and II are directed to magnetic thin films, which are memory devices typically used in reproducing heads, MRAM, TMR or GMR, for example. Therefore, no separate utility is seen. Further, the films of Groups I and II are classified in the exact same class and subclass and have not been shown to have a separate status in the art. Only one search is required and, accordingly, there is no burden to the Examiner to examine all the claims in one application. Therefore, the restriction requirement should be withdrawn.

In any event, Applicants provisionally elect the claims of Group I, claims 1-9, with traverse.

